

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PATRICK RICHARD,

Plaintiff,

v.

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

1:16-cv-957 (NRM) (CLP)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

NINA R. MORRISON, United States District Judge:

On August 13, 2024, the Hon. Cheryl L. Pollak issued a Report and Recommendation (“R&R”) recommending that Defendant’s motion to dismiss Plaintiff’s Fourth Amended Complaint (“FAC”) be denied. Given that no objections were filed within fourteen days, *see* Fed. R. Civ. P. 72(b)(2), the Court has reviewed the R&R for clear error. *See Colvin v. Berryhill*, 734 F. App’x 756, 758 (2d Cir. 2018). The Court finds no error in Judge Pollak’s conclusion that, under the liberal standards afforded to *pro se* litigants, Plaintiff has adequately pled claims for failure to promote based on race, color, and national origin with respect to four promotions he sought between 2018 and 2019 as asserted in the Fourth Amended Complaint, and that he exhausted his administrative remedies with respect to those particular claims.

As further recommended by Judge Pollak, however, the Court underscores that Plaintiff’s Fourth Amended Complaint may proceed to further litigation *only* insofar as it seeks relief based on the denial of these four promotions at issue (referenced in

paragraphs 336o–336ae8 of the FAC, and at page 5 of the R&R), and all claims and causes of action other than those four failure-to-promote claims shall be considered stricken from the FAC. Accordingly, the Court adopts Judge Pollak’s well-reasoned R&R in full.

SO ORDERED.

/s/ NRM

NINA R. MORRISON

United States District Judge

Dated: September 30, 2024
Brooklyn, New York